

NOTICE OF COMMENT PERIOD

On May 1, 2006, the Nebraska State Bar Association filed a *Petition to Adopt Rules for the Redaction of Personal Information From Civil Court Documents*, S-36-06002, and the proposed request for amendment of such petition was filed on September 26, 2007. On October 16, 2007, the proposed rules were published by the Nebraska Supreme Court for comment until December 14, 2007. The Supreme Court considered such comments and made further revisions. The Supreme Court now invites interested persons to comment on the revised proposed rules.

Anyone desiring to comment on the revised proposed rules, which include Neb. Ct. R. of Dist. Cts. 21 and Appendix 3, as well as Neb. Ct. R. of Cty. Cts. 64 (options 1 and 2), should do so in writing to the office of the Clerk of the Supreme Court and Court of Appeals, P.O. Box 98910, Lincoln, Nebraska 68509-8910, or via e-mail to lasmussen@nsc.state.ne.us, no later than March 14, 2008. The rules are available for review on the Supreme Court's Web site at www.supremecourt.ne.gov or a hard copy may be reviewed in the Office of the Clerk of the Supreme Court and Court of Appeals upon request.

Proposed Neb. Ct. R. of Dist. Cts. 21:

Rule 21

PROTECTION OF PERSONAL AND FINANCIAL INFORMATION IN CIVIL COURT RECORDS

The following privacy rules shall apply to all pleadings, documents, exhibits, court orders, judgments, and decrees filed in all civil actions in the district courts of Nebraska:

A. This rule seeks to prevent dates of birth, Social Security numbers, and financial account numbers of all persons, including minor children, from being included in court records generally available to the public.

B. The personal and financial information identified in paragraph A shall be set forth in a separate document as set forth in Appendix 3 to these rules. The form in Appendix 3 shall contain,

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at the top of the first page, the following language, in bold type: **This document is confidential and shall not be made part of the court file or provided to the public pursuant to Neb. Ct. R. of Dist. Cts. 21.** If the document is submitted in paper form, the clerk of court shall keep the document separate from the case file but accessible to judges and court staff. If the document is submitted in electronic form, or converted from paper form to electronic form, the electronic document or the data contained therein may be reproduced or stored in JUSTICE or other court case and financial management system, but such document, image, or data shall be electronically marked and shall not be accessible or viewable by the public. An Appendix 3 document shall be distributed to the child support division of the Nebraska Department of Health and Human Services, but shall not otherwise be made available without further court order. The form in Appendix 3 may be used in any civil case and shall be protected as stated above.

C. The personal and financial information identified in paragraph A shall not be included in any pleading or document submitted by a party or counsel for filing with the court, except by reference to a separate Appendix 3 document. An Appendix 3 document shall be separately tendered with any such pleading or other document, and if the Appendix 3 document is submitted in electronic form, it shall be identified in the filing transmittal as a confidential Appendix 3 submission. The form in Appendix 3 is mandatory with respect to the information identified in paragraph A, but a party, attorney, or court may include in the Appendix 3 form additional personal or financial information sought to be protected.

D. The personal and financial information identified in paragraph A shall not be included in any court order, judgment, or decree, including, but not limited to, any decree of dissolution of marriage, decree of legal separation, order of paternity, qualified domestic relations order, or other child support order or order of modification, except by reference to a separate Appendix 3 document. Where the court finds that an order, judgment, or decree must contain Social Security numbers or other personal

information stated in paragraph A, the court shall have the original order sealed and provide in the case file a redacted version of the order for public view.

E. No exhibit used at trial shall contain a complete account number for any financial accounts or debts of any party. The same shall be redacted by the person offering the exhibit to the extent necessary to protect the information from misuse. By agreement of the parties, or as directed by the court, financial account information shall be identified in all pleadings, other documents and court orders, judgments, or decrees in such a manner as the parties, counsel, court, and jury may be able to distinguish information between similar accounts or debts, or as may be necessary to establish relevance to the matter being litigated.

F. The name, birth date, gender, and Social Security number information of parties sought to be protected by this rule may be furnished to the Clerk of the District Court by the parties prior to issuance of any order or decree. This information shall be furnished using the form provided in Appendix 3. Protection of this information shall be as set forth in paragraph B above. Where a party or counsel is required by statute or rule to furnish information identified in paragraph A to a court or clerk of court but such information is not required to be filed, the clerk of the court shall not place such information in the court file or allow such information to be accessible, in either paper or electronic form, to the public.

G. The responsibility for redacting personal and financial data set forth in paragraph A rests solely with counsel and the parties. The clerk of court shall not be required to review documents for compliance with this rule. If a clerk of court identifies a violation of this rule, the clerk may, at his or her option, provide a redacted document for public access. However, the clerk electing to provide a redacted copy for public access shall maintain the original document without any alterations thereof, which shall only be available to the court and the parties or the parties' counsel.

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Proposed Neb. Ct. R. of Dist. Cts. Appendix 3:

IN THE _____ COURT OF _____ COUNTY, NEBRASKA

**THIS DOCUMENT IS CONFIDENTIAL AND SHALL NOT BE MADE PART OF THE
CASE FILE OR PROVIDED TO THE PUBLIC PURSUANT TO NEB. CT. R. OF DIST.
CTS. 21.**

_____)	Case Number _____
)	
Plaintiff,)	
)	
v.)	SOCIAL SECURITY NUMBERS,
)	GENDER AND BIRTH DATE(S)
)	
_____)	
)	
Defendant.)	

Names	Social Security Number	Gender	Date of Birth
Plaintiff:			
_____	_____	_____	_____
Defendant:			
_____	_____	_____	_____
Minor Children:			
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(For other information, add pages as required.)

Proposed Neb. Ct. R. of Cty. Cts. 64:

OPTION 1

Rule 64

PROTECTION OF PERSONAL AND FINANCIAL
INFORMATION IN COURT RECORDS

To the extent applicable to proceedings within the jurisdiction of the county court, Neb. Ct. R. of Dist. Cts. 21 shall govern orders, filings, documents, and pleadings in the county courts.

OPTION 2

Rule 64

PROTECTION OF PERSONAL AND FINANCIAL
INFORMATION IN COURT RECORDS

To the extent applicable to proceedings within the jurisdiction of the county court, Neb. Ct. R. of Dist. Cts. 21 shall govern orders, filings, documents, and pleadings in the county courts. District Court Rule 21 provides as follows:

The following privacy rules shall apply to all pleadings, documents, exhibits, court orders, judgments, and decrees filed in all civil actions in the district courts of Nebraska:

A. This rule seeks to prevent dates of birth, Social Security numbers, and financial account numbers of all persons, including minor children, from being included in court records generally available to the public.

B. The personal and financial information identified in paragraph A shall be set forth in a separate document as set forth in Appendix 3 to these rules. The form in Appendix 3 shall contain, at the top of the first page, the following language, in bold type: **This document is confidential and shall not be made part of the court file or provided to the public pursuant to Neb. Ct. R. of Dist. Cts. 21.** If the document is submitted in paper form, the clerk of court shall keep the document separate from the case

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file but accessible to judges and court staff. If the document is submitted in electronic form, or converted from paper form to electronic form, the electronic document or the data contained therein may be reproduced or stored in JUSTICE or other court case and financial management system, but such document, image, or data shall be electronically marked and shall not be accessible or viewable by the public. An Appendix 3 document shall be distributed to the child support division of the Nebraska Department of Health and Human Services, but shall not otherwise be made available without further court order. The form in Appendix 3 may be used in any civil case and shall be protected as stated above.

C. The personal and financial information identified in paragraph A shall not be included in any pleading or document submitted by a party or counsel for filing with the court, except by reference to a separate Appendix 3 document. An Appendix 3 document shall be separately tendered with any such pleading or other document, and if the Appendix 3 document is submitted in electronic form, it shall be identified in the filing transmittal as a confidential Appendix 3 submission. The form in Appendix 3 is mandatory with respect to the information identified in paragraph A, but a party, attorney, or court may include in the Appendix 3 form additional personal or financial information sought to be protected.

D. The personal and financial information identified in paragraph A shall not be included in any court order, judgment, or decree, including, but not limited to, any decree of dissolution of marriage, decree of legal separation, order of paternity, qualified domestic relations order, or other child support order or order of modification, except by reference to a separate Appendix 3 document. Where the court finds that an order, judgment, or decree must contain Social Security numbers or other personal information stated in paragraph A, the court shall have the original order sealed and provide in the case file a redacted version of the order for public view.

E. No exhibit used at trial shall contain a complete account number for any financial accounts or debts of any party. The same

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shall be redacted by the person offering the exhibit to the extent necessary to protect the information from misuse. By agreement of the parties, or as directed by the court, financial account information shall be identified in all pleadings, other documents and court orders, judgments, or decrees in such a manner as the parties, counsel, court, and jury may be able to distinguish information between similar accounts or debts, or as may be necessary to establish relevance to the matter being litigated.

F. The name, birth date, gender, and Social Security number information of parties sought to be protected by this rule may be furnished to the Clerk of the District Court by the parties prior to issuance of any order or decree. This information shall be furnished using the form provided in Appendix 3. Protection of this information shall be as set forth in paragraphs B above. Where a party or counsel is required by statute or rule to furnish information identified in paragraph A to a court or clerk of court but such information is not required to be filed, the clerk of the court shall not place such information in the court file or allow such information to be accessible, either in paper or electronic form, to the public.

G. The responsibility for redacting personal and financial data set forth in paragraph A rests solely with counsel and the parties. The clerk of court shall not be required to review documents for compliance with this rule. If a clerk of court identifies a violation of this rule, the clerk may, at his or her option, provide a redacted document for public access. However, the clerk electing to provide a redacted copy for public access shall maintain the original document without any alterations thereof, which shall only be available to the court and the parties or the parties' counsel.